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11 **Attorney for Plaintiffs, DAVID J. LEE and**
12 **DANIEL R. LLOYD**

13 **UNITED STATES DISTRICT COURT**

14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 **DAVID J. LEE, and DANIEL R. LLOYD,**
16 **as individuals and, on behalf of others**
17 **similarly situated,**

18 **Plaintiffs,**

19 **vs.**

20 **AMERICAN EXPRESS TRAVEL**
21 **RELATED SERVICES, INC., a New York**
22 **corporation, AMERICAN EXPRESS**
23 **CENTURION BANK, a Utah corporation,**
24 **AMERICAN EXPRESS BANK, FSB, a**
25 **Utah corporation, and DOES 1, through**
26 **100, inclusive,**

27 **Defendants.**

28 **Case No.: C-07-4765 CRB**

OPPOSITION OF PLAINTIFFS
TO DEFENDANT AMERICAN
EXPRESS BANK F.S.B.'S
MOTION TO DISMISS
PLAINTIFFS' COMPLAINT

DATE: November 30, 2007
TIME: 10.00 a.m.
PLACE: Courtroom 8
19th Floor
450 Golden Gate Ave.
San Francisco, Calif. 94102

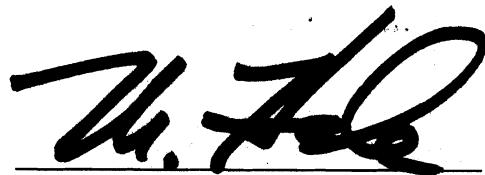
1 Plaintiffs, by their undersigned attorney, hereby oppose the Motion of Defendant
2 American Express Bank, FSB to Dismiss Plaintiffs' Complaint on the bases that: (a) Plaintiffs'
3 complaint is not preempted by the Home Owners Loan Act, 12 U.S.C. § 1462, And/Or
4 12 C.F.R. § 560.2(b)(9); and, (2) the Unfair Competition Law (California Bus. & Prof. Code §§
5 17200 et seq.), the California Consumer Legal Remedies Act (California Civil Code §§ 1750 et
6 seq., or the common law in the context of Plaintiffs' Complaint have, at most, only an incidental
7 effect on Defendant's lending operation.
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9 The Court is respectfully referred to the accompanying memorandum of points and
10 authorities in support of this Opposition.
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12 Dated: November 9, 2007

Respectfully submitted,

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Matthew S. Hale
Attorney for Plaintiffs
David J. Lee and Daniel R. Lloyd